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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Ganesan et al

Application No.: 09/387,764

: Group Art Unit: 3628

Filed: September 1, 1999

: Examiner: Nga B. Nguyen

For: ELECTRONIC BILLING WITH UPDATEABLE ELECTRONIC BILL SUMMARY

TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 6, 2004

Sir:

Transmitted herewith is a Response to a Notice of Defective Appeal Brief in the above-identified application.

No additional fee is required.
 Also attached:

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims			0	x \$18 =	\$0
Independent Claims			0	x \$84 =	\$0
TOTAL FEE DUE					\$0

[] A Credit Card Payment form in the amount of \$ is attached

[X] Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment, to Deposit Account No. 01-2135, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully Submitted,

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SWC



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In re Application of
Ganesan et al
Application No.: 09/387,764
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For: ELECTRONIC BILLING WITH UPDATEABLE ELECTRONIC BILL SUMMARY

RESPONSE TO NOTICE OF DEFECTIVE APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 6, 2004

Sir:

This paper is filed in response to the Notice of Defective Appeal Brief dated November 4, 2004, the time for response to which is up to and including Monday, December 6, 2004.

The Examiner finds the Appeal Brief filed on August 9, 2004 defective for failing to include an appendix of claims.

It is respectfully submitted that the Appeal Brief filed on August 9, 2004 did in fact include an appendix of claims. In support of Applicants' position it is noted that the Appeal Brief is included in the Image File Wrapper section of Private Pair. Shown in the Image File Wrapper is the appendix of claims, beginning on page 35 of the Appeal Brief. Accordingly, it is respectfully requested that the Examiner reconsider and withdraw the finding that the appeal brief is defective.

However, in the interest of furthering prosecution of the present application, a courtesy copy of the as-filed Appeal Brief of August 9, 2004 is included herein.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 01-2135 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES



In re Application of
GANESAN, et al.

: Group Art Unit:3628

Application No:

09/387,764

: Examiner: Nga B. Nguyen

Filed:

September 01, 1999

For: ELECTRONIC BILLING WITH UPDATABLE ELECTRONIC BILL SUMMARY

APPEAL BRIEF

August 9, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is submitted (in triplicate) in support of the Notice of Appeal filed June 7, 2004 of the finally rejected claims as set forth in the Advisory Action dated June 15, 2004.

I. REAL PARTY IN INTEREST

CheckFree Corporation.

II. RELATED APPEALS AND INTERFERENCES

None

III. STATUS OF CLAIMS

Claims 1-26 and 28 are pending in this application, of which claims 1, 10, 16, 20, and 26 are independent. Claim 27 has been previously cancelled. Each of claims 1-26 and 28 is subject to appeal.

IV. STATUS OF AMENDMENTS

Amendments have been filed on July 23, 2002 and January 7, 2003. Each of the Amendments has been entered.

V. SUMMARY OF INVENTION

The invention will be summarized with reference to the preferred embodiment(s)/implementations(s) shown in Figures 3-5 and 21-23B and described in the related specification on page 12, line 22, through page 13, line 18, pages 19-21, and page 38, line 9, through page 45, line 3.

In a preferred embodiment of the invention of independent claim 1, an electronic bill payment network (see, for example, Figure 4, detail 50) is provided. The electronic bill payment network 50 includes a plurality of biller network stations (see, for example, Figure 4, detail 56) each associated with a different biller, a plurality of user network stations (see, for example, Figure 4, detail 52) each associated with a different user, and a central network station (see Figure 4, detail 2

58.

As shown in, for example, Figures 23A and 24A, and described in the associated text on pages 40-42, a first user network station 52, associated with a first of the users, is operable, in real time, to transmit information relevant to an amount of an available bill and an instruction to pay the available bill. A first biller network station 56, associated with a first of the billers, is operable, in real time, to receive the transmitted relevant information and to determine the amount of the available bill based upon the received relevant information. The central station 58 is operable, again in real time, to receive the determined amount of the available bill and the transmitted pay instruction, and to direct payment of the determined amount of the bill based upon the received pay instruction

As recited in dependent claim 2, shown in Figure 21, and described on pages 38-40, the central network station 58 is further operable to transmit bill availability information identifying at least two available bills for the first user. The first user network station 52 is further operable to receive the transmitted bill availability information, to select the available bill from the identified at least two available bills, and to transmit a request for the available bill based upon the selection prior to transmitting the relevant information.

As recited in claim 3, the bill availability information transmitted by the central network station 58 identifies the available bill without identifying the amount of the available bill (see, for example, Figure 22A and the related text on page 39).

Claim 4 recites a database (see Figure 3, detail 32) configured to store the bill availability information so as to further identify those of the identified available bills

which require information relevant to the amount of those identified available bills (see, for example, Figures 21 and 22A and related text).

The database, as recited in claim 5, is further configured in a preferred implementation to store the determined amount (see, for example, page 40, lines 27-29).

Claim 6 requires that the transmitted relevant information be indicative of a quantity of product used, and claim 7, dependent from claim 6, requires that the transmitted relevant information be a meter reading (see, for example, the full paragraph on page 38 and the first full paragraph on page 40).

As recited in claim 8, the transmitted relevant information is indicative of a disputed portion of a previously determined amount of the available bill, and as recited in claim 9, the first biller network station 56 is further operable, in real time, to transmit the available bill including a previously determined amount, and the determined amount of the available bill represents an adjustment to the previously determined amount (see, for example, Figures 23B and 24B and the related text on page 42, line 15, through page 45, line 3).

In a preferred embodiment of the invention of independent claim 10, a method of payment electronic bills is provided. As shown in, for example, Figures 23A and 24A, and described in the associated text on pages 40-42, a first network location (for example, detail 52 of Figure 4) transmits, in real time, information relevant to an amount of an available bill. A determination is made, in real time, at a second network location (for example, detail 56 of Figure 4) of the amount of the available bill based upon the transmitted information. The determined amount is received, in

real time, at the first network location 52. An instruction to pay the determined amount is transmitted in real time from the first network location 52. The determined amount and the transmitted pay instruction are received in real time at a third network location (for example, detail 58 of Figure 4). Based upon the received pay instruction, payment of the determined amount is directed from the third network location 58.

As recited in dependent claim 11, shown in Figure 21, and described on pages 38-40, bill availability information identifying a plurality of available bills of a plurality of different billers is transmitted from the third network location 58. A selection, in real time, of the available bill from the identified plurality of available bills is made, a request for the available bill based upon the selection is transmitted, and a request for the relevant information is transmitted, in real time, responsive to the transmitted request for the available bill. According to claim 11, the relevant information includes a quantity of product used and is transmitted in response to the transmitted request for relevant information. Claim 12 recites that the quantity of product used is represented by a meter reading.

As recited in claim 13, bill availability information identifying the available bill is transmitted, in real time, from the third network location 58. A request for the identified available bill is also transmitted in real time. The available bill, including a previously determined amount of the available bill, is transmitted in real time from the second location 56 in response to the transmitted request for the available bill. According to claim 13, the relevant information includes a requested modification to the previously determined amount (see, for example, Figures 23B and 24B and the

related text on page 42, line 15, through page 45, line 3).

As recited in claim 14, bill availability information identifying the available bill is stored in a database (see, for example, detail 32 associated with detail 58 of Figure 4). The stored bill availability information is transmitted from the third network location 58, the transmitted bill availability information is received at the first location 52. The available bill is identified in the received transmitted bill availability information as requiring information relevant to the bill amount. Claim 15 requires storing the received amount in the database 32 (see, for example, Figures 21 and 22A and page 40, lines 27-29).

In a preferred embodiment of the invention of independent claim 16, an electronic bill payment system is provided. The electronic bill payment system, as shown in Figures 4 and 5 and described, for example, beginning on page 19, includes a database 32 and a processor 72.

The database 32 is configured to store bill availability information identifying available bills of a plurality of different billers for a plurality of different users (see, for example, the paragraph bridging pages 20 and 21). The processor 72 is configured to receive a real time network communication of an amount of one of the available bills identified in the stored bill availability information for a first of a plurality of different users from a first of the plurality of different billers and a real time network communication of an instruction to pay the one available bill from the first user. The processor 72 is also configured to generate a directive to pay the amount of the one available bill based upon the received communicated pay instruction and to store the received communicated amount in the database 32 in association with the bill

availability information identifying the one available bill (see, for example, Figure 23A and the paragraph bridging pages 40 and 41).

As recited in claim 17, the processor 72 is further configured to transmit the stored bill availability information identifying the one available bill for the first user, prior to receiving the real time network communication of the amount and of the instruction to pay (see, for example, page 41, lines 3-7).

As recited in claim 18, the database 32 is further configured to store the bill availability information so as to further identify those of the identified available bills which require information relevant to the amount of those bills, and the one available bill is one of the those of the plurality of available bills further identified as requiring relevant information (see, for example, Figures 21 and 22A and related text).

As recited in claim 19, the database 32 is further configured to store a previously received communicated amount of the available bill and the received amount of the one available bill (see, for example, Figures 21 and 22A and related text).

A detailed discussion of claims 20-26 and 28 is considered unnecessary, as these claims should be understood from the detailed discussion of claims 1-19 above.

VI. ISSUES

Whether claims 16-25 are anticipated under 35 U.S.C. § 102(e) by Kitchen et al. (U.S. Patent No. (6,289,322).

Whether claims 1-15 and 26-28 are obvious, under 35 U.S.C. § 103(a), over Kitchen.

VII. BRIEF DESCRIPTION OF THE REFERENCE

Kitchen, which is owned by the Assignee of all rights in the present application, discloses an electronic bill processing technique in which a network station, such as CF station 140, serves as a centralized bill processing system (see, for example, column 6, lines 17-18). Billing information, which could include an amount of an available bill, is transmitted from a biller network station to the central network station where it is stored (see, for example, column 6, lines 59-64). A payor is then notified of availability of the stored billing information by transmission of a notice from the central network station to a payor network station (see, for example, column 7, lines 5-16).

The stored billing information is communicated to the payor only after the payor requests the available billing information (see, for example, column 7, line 66, through column 8, line 11). After the central network station receives a payor request for the available billing information, the central network station transmits the available information to the payor station (see, for example, column 8, lines 11-37). The payor may, as desired, transmit a payment instruction to the central network station which causes the central network station to direct a payment of the bill on behalf of the payor (see, for example, column 8, lines 56-67). Remittance advice is delivered from the central station to the biller (see, for example, column 9, lines 15-28).

Kitchen also discloses, in an alternative embodiment, that a biller station stores and communicates some or all of the bill related information directly to the payor station, while the notice of availability is transmitted to the payor station by the central

station (see, for example, the paragraph bridging columns 9 and 10 and the first full paragraph in column 10).

VIII. THE REJECTION

In a first substantive Official Action issued on April 24, 2002, claims 1-15 and 19-25 stood rejected under 35 U.S.C. §103(a) as obvious over Kitchen in view of an Official Notice, and claims 16-18 stood rejected under 35 U.S.C. §102(e) as anticipated by Kitchen.

Regarding the 35 U.S.C. §103(a) rejection, the Examiner acknowledged that "Kitchen does not teach the user network station transmits information relevant to an amount of an available bill such as a meter reading which is indicative of a quantity of product used to the biller network stations and the biller network station determines the amount of the available bill based upon the received the transmitted information. However, Kitchen does teach the user network station and the biller network station can communicate directly to transmit and receive the bill related information (column 9, line 65-column 10, line 5). Moreover, Official notice is taken that determining the amount of the available bill based on meter reading indicative quantity of product used transmitted from the user is well-known in the art."

In a second non-final Official Action issued on October 29, 2002, claims 1-28 stood rejected under 35 U.S.C. §112, second paragraph, as indefinite, claims 1-15 and 26-28 stood rejected under 35 U.S.C. §103(a) as obvious over Kitchen in view of an Official Notice, and claims 16-25 stood rejected under 35 U.S.C. §102(e) as anticipated by Kitchen.

In this Official Action the Examiner generally relied upon the same basis for prior art rejections, except with regard to: The Examiner acknowledged that Kitchen does not teach the required database recited in claim 19. However, the Examiner failed to apply any art disclosing the recited database, or even make any argument as to under what theory claim 19 was rejected. The Examiner no longer argued that claims 20-25 are obvious over Kitchen, but instead argued that they are anticipated, relying upon the same grounds asserted in rejecting claims 16-19. In rejecting claims 1, 6, and 7, the Examiner clarified that Official Notice was taken that "in most situations, the biller has the responsibility to determine the amount and due date for payment of a bill based on the user's usage information (The prior arts will be provided upon requested by Applicant)".

In the final Official Action issued March 5, 2004, claims 1-15, 26 and 28 stand rejected under 35 U.S.C. §103(a) as obvious over Kitchen, and claims 16-25 stand rejected under 35 U.S.C. §102(e) as anticipated by Kitchen.

The final Official Action fails to include support for the Official Notice previously requested by the Applicants. The Examiner repeats the grounds of rejection found in the Official Action dated October 29, 2002, except that in rejecting claims 1, 6, and 7, the Examiner seemingly no longer takes Official Notice that determining the amount of an available bill based on relevant information transmitted from a user is well known. However, the Examiner once again argues "it is well known to determine the amount of the available bill based on the relevant information transmitted from the user. In most situations, the biller has the responsibility to determine the amount and due date for payment of a bill based on the user's usage information (The prior arts will be provided

upon requested by Applicant)." Thus, even though the Examiner does not explicitly take Official Notice, the Examiner nonetheless rejects the claims on the same grounds upon they were previously rejected. As best understood, the Examiner no longer rejects the claims under 35 U.S.C. §112, second paragraph.

In the Advisory Action issued June 15, 2004, the Examiner maintains the rejections in the final Official Action. The Examiner argues, regarding claim 1, "it is well known that the user transmits information relevant to an amount of an available bill and the biller determines the amount of an available bill based on the relevant information. For example, the user orders a product from the merchant over the Internet, the user transmits product information and mailing address to the merchant, the merchant calculates the amount billed to to user includes product price plus shipping cost, thus the total amount billed to the user includes product price and shipping cost, is calculated based on the relevant information transmitted from the user. This feature is very well known in the art of purchasing product over the Internet. Examiner also provides the reference (Elgamal, US Patent No. 5,671,279 to support the obviousness described above, see column 24, lines 52-55; column 26, lines 13-21; column 27, lines 34-40, 53-58)."

IX. GROUPING OF CLAIMS

Claims 1-26 and 28 are pending in this application. Claims 1-26 and 28 are finally rejected and subject to this appeal.

Rejected claims 1, 10, 16, 20, and 26 are independent. Accordingly the various claimed embodiments/implementations of the invention are defined within

groupings of claims (i) 1-9, (ii) 10-15, (iii) 16-19, (iv) 20-25, and (v) 26 and 28. However, the claims of each group do not stand or fall together. Each of claims 1-26 and 28 recite features which form an independent basis for allowance. Hence, each of claims 1-26 and 28 stands and falls alone.

X. ARGUMENT

Claims 1-15, 26 and 28 stand finally rejected under 35 U.S.C. §103(a) as obvious over Kitchen, and claims 16-25 stand finally rejected under 35 U.S.C. §102(e) as anticipated by Kitchen. Appellants respectfully traverse the rejections based on the prior art applied against the claims now pending on appeal.

As discussed below in detail, it is respectfully submitted that the Examiner has not met the burden of proof in establishing that the appealed claims are anticipated, has not met the burden of proof in establishing that the appealed claims are obvious, has failed to provide the required factual basis and reasonable rationale for the prior art rejections, has failed to apply art which teaches or suggests the invention as claimed, has failed to properly construe the applied art, and has failed to consider expressly recited claim limitations.

1. THE EXAMINER HAS FAILED TO ESTABLISH A PRIMA FACIE CASE

The initial burden of establishing a basis for denying patentability to a claimed invention rests upon the examiner. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Thorpe, 777 F.2d 695, 227 USPQ 964 (Fed. Cir. 1985); In re Piasecki, 745 F.2d 1468, 223 USPQ 785 (Fed. Cir. 1984).

The limitations required by the claims cannot be ignored. See In re Wilson, 424 F.2d 1382, 165 USPQ 494 (CCPA 1970). All claim limitation, including those which are functional, must be considered. See In re Oelrich, 666 F.2d 578, 212 USPQ 323 (CCPA 1981). Hence, all words in a claim must be considered in deciding the patentability of that claim against the prior art. Each word in a claim must be given its proper meaning, as construed by a person skilled in the art. Where required to determine the scope of a recited term, the disclosure may be used. See In re Barr, 444 F.2d 588, 170 USPQ 330 (CCPA 1971).

The Examiner must provide sufficient factual basis or rationale as to how features of the invention recited in the claims are taught or suggested in the applied art. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988). That is, objective evidence must be presented by the Examiner in support of the rejection. Without such support, the rejection is improper per se.

As discussed above, independent claim 1 requires, *inter alia*, that a user network station be operable to transmit, in real time, information relevant to an amount of an available bill and an instruction to pay the available bill. Also required is a biller station operable, in real time, to receive the transmitted information and to determine the amount of the available bill based upon the received relevant information, and a central network station operable to receive the determined amount of the available bill and the transmitted pay instruction in real time and to direct payment of the determined amount of the available bill based upon the transmitted instruction to pay that bill.

Independent claim 10 requires, inter alia, that information relevant to an amount of an available bill be transmitted, that the amount be determined based upon the transmitted information, and that an instruction to pay the determined amount all be transmitted and received in real time.

Independent claim 16 requires, inter alia, a database configured to store bill availability information identifying available bills of a plurality of different billers for a plurality of different users, and a processor configured to receive an amount of one available bill identified in the stored information and an instruction to pay the one available bill, both in real time, to store the received amount in the database in association with the bill availability information previously stored in the database, and to generate a directive to pay the amount of the one available bill.

Independent claim 20 requires, inter alia, the transmission of bill availability information identifying an available bill for a first user and the receipt, subsequent to the transmission of a communication of an amount of the identified available bill determined by the biller, of a communication of an instruction to pay the available bill.

Independent claim 26 requires, inter alia, that bill availability information identifying an available bill of a first biller for a first user be transmitted to the first user, that subsequent to this transmission a communication of an amount of the available bill of the first biller for the first user (as determined by the first biller) be received, and a communication of an instruction of the first user to pay the available bill be received.

As discussed above, Kitchen discloses an electronic bill presentment and payment system in which a biller delivers billing information for a payor to a central network station, which can be termed a 'bill presentment service provider.' The service provider stores the received billing information and notifies the payor of availability of the stored billing information. The payor then requests the billing information from the service provider, who transmits the same to the payor in response to the request. As desired, the payor can then request that the service provider pay the bill on behalf of the payor.

In an alternate embodiment, the biller does not transmit complete billing information to the service provider, as disclosed in column 9, line 55, through column 10, line 26. Rather, only a portion of the billing information, or perhaps just an indication that billing information is available, is transmitted to the service provider. However, the service provider still transmits a notice of availability to the payor. In this alternate embodiment, a biller transmits some or all of the billing information directly to the payor.

Each of independent claims 1, 10, 16, 20 and 26 require that both the amount of an available bill and a pay instruction to pay the bill issued by a payor be received at a location in real time, or in a single network session. In the final Official Action the Examiner argues that Kitchen, in column 6, lines 50-58, column 8, line 55, through column 9, line 15, and column 9, line 65, through column 10, line 5, teaches the required real time limitations.

The relied upon text in column 6 relates only to the transmission of billing information, which could include an amount of an available bill, from a biller station to

a central network station. The referenced text in columns 8 and 9 relates to the transmission of payment instruction by a user network station and receipt and processing of that payment instruction by a central network station. The central station directs a payment responsive to the received payment instruction. More particularly, the central station directs an electronic fund transfer in the appropriate payment amount to the biller account. The text bridging columns 9 and 10 describes implementations in which certain bill related information, such as the detailed bill presentation information, is retained at the biller station. It is respectfully submitted that the relied upon text, as well as nothing else in Kitchen, teaches or suggests that both the amount of an available bill and a pay instruction to pay the bill issued by a payor be received at a location in real time, or in a single network session.

Rather, as discussed in column 6, line 50, through column 7, line 5, the billing information received by the central station from respective billers is normalized with different portions of the normalized bill information stored in the memory 420d, shown in Figure 2A. A summary of the received billing information is typically also generated for each of the payors and stored in the memory area 420e, shown in Figure 2A. The bill templates stored in area 420f can be merged with the normalized billing information to electronically present the billing information to the appropriate payor in substantially the same form as has historically been provided to the payor in hard copy (i.e. including the amount of the bill).

As indicated in column 7, line 52, through column 8, line 45, the billing information received and processed by Kitchen's central station is stored and communicated to the applicable payor only after the payor requests the available

stored billing related information. Figures 9A-9C and 11, show exemplary summary and detailed bills as presented to the user by the central network station prior to the generation and transmission of the payment instruction from the payor station to the central station.

For example, as described by Kitchen in column 8, lines 52-55, the payor, after having received the bill presentment information, such as that shown in Figures 9A-9C and 11, can now request payment of a bill be made to the appropriate biller. Hence, Kitchen explicitly discloses that the bill amount must be received from the biller and stored at the central station prior to the payor station beginning a real time session with the central station during which the bill (including the amount) will be presented to the user. After presentment of the bill a pay instruction can be transmitted by the payor station and received by the central station. There is nothing whatsoever in Kitchen to suggest that all of these events (particularly receipt of the bill amount and the pay instruction) could occur in real time (e.g. during a single user session). Rather, Kitchen clearly discloses that the information from the biller is received and stored well before the user even contacts the central station to have the bill presented. The Examiner-referenced disclosure in Kitchen is entirely consistent with this construction of Kitchen.

Throughout prosecution of the instant application the Examiner has acknowledged that Kitchen does not teach transmission of information relevant to an amount of an available bill and a determination of the amount based upon the relevant information, as required by independent claims 1, 10, and 26. The Examiner argues in the final Official Action "it is well known to determine the amount

of the available bill based on the relevant information transmitted from the user. In most situations, the biller has the responsibility to determine the amount and due date for payment of a bill based on the user's usage information. ... Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to improve the method of Kitchen's by allowing the biller can determine the amount of the bill based on transmitted from the user for the purpose of allowing the user and the biller can communicate directly to exchange the bill related information." In the final Official Action the Examiner again offers to provide support for this position, and in the Advisory Action the Examiner finally points to Elgamal for the offered support.

It is respectfully submitted that, irrespective of the citing of the Elgamal reference, the Examiner's position cannot be understood. The Examiner contends, because it is well known for a biller to determine the amount of an available bill based upon receipt of relevant information from a payor, that it would have been obvious to utilize the communication link between the payor and biller as described by Kitchen to transmit information relevant to the amount of a bill from the payor station to the biller station and the biller station then determine the amount based upon the relevant information.

It is respectfully submitted that nothing within Kitchen or conventional meter readings procedures would have suggested the proposed modification to Kitchen's described system. Rather, it is respectfully submitted that only through hindsight, based upon the disclosure in the subject application, would one find any motivation to modify the Kitchen system as proposed by the Examiner.

More particularly, Kitchen recognized the benefit of having all or part of the bill information retained by a biller and accessed by a payor at the biller site, while maintaining and presenting bill availability information from a central site. This, for example, allows customers to conveniently determine what bills are available at a single site, while also allowing the biller to retain control of the bill information itself. Conventional meter reading procedures require the customer to provide a meter reading, typically responsive to a notice received directly from the biller, by telephone or by mail-in postcard. Once the relevant information has been received by the biller from the customer, the biller then prepares a bill and presents the bill either by mail or on the biller website to the customer. Hence, in conventional meter reading, there are no communications with a central station.

The biller could, of course, subsequently present the bill to the customer via the system described by Kitchen. However, in such a case, as described by Kitchen, the bill or bill availability information would be provided by the biller to the central station of Kitchen, processed at the central station and stored. The bill information would be transmitted only after a subsequent request by the customer. Then, after a presentation of the bill by the central station or biller station (as applicable) responsive to the customer's request, would the central station receive a transmitted pay instruction.

Therefore, modifying Kitchen in view of conventional meter reading procedures would result in the user network station transmitting, in real time, information relevant to an amount of an available bill, to the biller but not an instruction to pay the available bill, to the central CF station or vice versa.

Although Applicant acknowledges that it is well known for a biller to determine the amount of an available bill based upon relevant information (e.g. usage information) from a user, it is unclear how this could be used to modify Kitchen to result in the claimed invention.

While one skilled in the art might be motivated to modify Kitchen by allowing the biller to determine the amount of the bill based on information transmitted from the user, Kitchen requires that the determined the amount of the bill be pre-stored prior to a user contacting the central station for presentment of the bill. It is irrelevant in Kitchen whether the biller has made the bill amount determination based upon information which the biller received from the user or on some other basis.

Hence, even if the biller in Kitchen determined the bill amount based upon information from the payor, this would not result in any need to modify the system described by Kitchen, since Kitchen already allows the biller to determine the amount of the bill in any desired manner. What Kitchen lacks is the required communication of the bill amount and instruction for payment in real time, and the Examiner has failed to present any objective evidence that this limitation in the claims of the present application is made obvious by the applied art. Even if Kitchen were modified in view of conventional meter reading procedures, Kitchen would still lack the transmission of both the bill amount and an instruction to pay the bill amount in real time to a central station.

In the Advisory Action the Examiner offers Elgamal in support of the obviousness rejection. It is respectfully submitted that Elgamal's teaching of an on-line ordering technique does not cure the deficiencies of the Examiner's position

noted above. Further, what relevance a merchant adding a shipping fee to an order, to which the Examiner refers, has to the present claims cannot be understood.

Independent claim 16 requires, *inter alia*, a database and a processor configured to store the amount, received in real time, in the database in association with the bill availability information previously stored in the database. It is respectfully submitted, as should be understood from the above, that nowhere does Kitchen teach such. While the database in Kitchen stores bill availability information, Kitchen's database does not store a determined bill amount received in real time subsequent to receipt of bill availability information.

Independent claim 20 requires, *inter alia*, the transmission of bill availability information identifying an available bill for a first user and the receipt, subsequent to the transmission of a communication of an amount of the identified available bill determined by the biller, of a communication of an instruction to pay the available bill. Kitchen can in no way be read to teach or suggest a notice of bill availability being transmitted prior to the receipt of the amount of the bill, also as should be understood from the discussion above.

Similarly, both independent claim 20 and independent claim 26 require, *inter alia*, that bill availability information identifying an available bill for a user be provided prior to the amount of the bill being known. As discussed above in detail, as disclosed by Kitchen, a notice that a bill is available is only presented to a user by the service provider after the amount of the bill has been determined by the biller (i.e., is known), notwithstanding how the bill amount might have been determined.

Dependent claims 2 and 11 require, *inter alia*, that bill availability information identifying at least two available bills be transmitted, that a selection of the available bill be made from the transmitted bill availability information, and that a request for the available bill be transmitted, either based upon the selection and prior to the transmission of the relevant information (upon which the determination of the bill amount is made), or responsive to the transmitted request for the available bill. The Examiner relies upon column 7, line 65, through column 8, line 37 for such. This relied upon text discloses, as discussed above, billing information being received, processed, and stored by Kitchen's central station, as well as a presentation of the stored billing information to a payor only after that payor request the available stored information. Clearly, the relied upon text does not disclose the requirements of claims 2 and 11.

Dependent claim 3 requires that the transmitted bill availability information identify the available bill without identifying the amount of the available bill. The Examiner argues that "Kitchen does not discloses the bill availability information identifies available bills without identifying an amount of each of the bills. Official notice is taken that it is obvious to modify the method of Kitchen in which the bill availability information does not contain an amount for the purpose of establishing the direct communication between the user and the biller to exchange the amount of the bill as discussed details in claim 1." As discussed in detail above, the Examiner-proposed modification of Kitchen would not result in the presently claimed invention of claim 1, yet alone claim 3, which is dependent from claim 1.

Dependent claims 4 and 18 require, *inter alia*, a database configured to store the bill availability information so as to further identify those of the identified available bills which require information relevant to the amount of those identified bills. Dependent claims 14 and 24 require, *inter alia*, that the available bill be identified in the received transmitted bill availability information as requiring information relevant to the bill amount. The Examiner points to column 6, line 59, through column 7, line 5, in Kitchen as disclosing the requirements of claims 4, 14, 18, and 24. The relied upon text relates to, as discussed above, transmission of billing information from a biller station to the central network station and storage of the received billing information. The relied upon text, as well as Kitchen as a whole, does not teach or suggest storage of bill availability information that identifies available bills which require information relevant to the amount thereof, or transmitted bill availability information identifying the available bill as requiring information relevant to the bill amount.

Dependent claim 5 requires that the database be further configured to store the determined amount, and dependent claims 15 and 21 require storage of the received/communicated amount in the database. The Examiner relies upon column 9, lines 15-20, in rejecting these claims. The relied upon text discloses remittance advice associated with a payment made by the central network station being delivered, from the central network station, to the payee. How this possibly discloses the requirements of claims 5, 15 and 21 cannot be reasonably understood.

Claims 6 and 11 require, *inter alia*, that the relevant information be indicative of a quantity of product used. Claims 7 and 12 require that the relevant information

be a meter reading. The Examiner, as best understood, relies upon Official Notice in rejecting these claims. In view of the detailed discussion above, it should be understood that Kitchen in no way teaches or suggests the requirements of claims 6 and 7.

Dependent claim 8 requires that the transmitted relevant information be indicative of a disputed portion of a previously determined amount of the available bill. Dependent claim 9 requires, *inter alia*, that the first biller network station be operable, in real time, to transmit the available bill including a previously determined amount, and that the determined amount of the available bill represent an adjustment to the previously determined amount. Dependent claim 13 requires, *inter alia*, that the relevant information include a requested modification to a previously determined amount. Dependent claim 25 requires, *inter alia*, that the received communicated amount of the available bill represent an adjustment to a previously received amount of the available bill.

The Examiner relies upon column 10, lines 32-42 in rejecting claims 8, 9, 13 and 25. The Examiner's position cannot be reasonably understood, as the relied upon text is directed to the central network station tracking sent notices of availability, not to disputed portions of previously determined amounts, or adjustments or modifications to previously determined amounts.

Dependent claim 17 requires, *inter alia*, that the processor be further configured to transmit stored bill availability information prior to receiving the real time network communication of the amount and of the instruction to pay. Dependent claim 23 requires, *inter alia*, receipt of a real time communication requesting bills,

and that the bill availability information be transmitted responsive to the received communication requesting bills. As should be understood from the detailed discussion above, Kitchen does not teach or suggest, and a modification of Kitchen would not produce, such requirements. The required real time communications are simply not taught or suggested by Kitchen.

Dependent claim 19 requires, *inter alia*, that the database be further configured to store a previously received communicated amount of the available bill and the received amount of the available bill. The Examiner relies upon column 12, line 65, through column 13, line 5, and column 9, lines 15-20 in rejecting this claim. The text in columns 12 and 13 relates to a payor accessing previously transmitted billing information or messages. The text in column 9 relates to providing remittance information, by the central network station, to a biller. How the relied upon text teaches or suggests the requirements of claim 19 cannot be reasonably understood. Two amounts simply are not disclosed.

Dependent claim 22 requires that the amount stored in the database replace a previously determined amount of the available bill previously stored in the database. It seems that the Examiner has failed to even consider the limitations of claim 22. It is respectfully submitted that nowhere in Kitchen is a replacement amount taught or suggested.

In view of the above, it is respectfully submitted that the Examiner has failed to establish a *prima facie* basis for the rejection of the pending claims.

2. THE APPLIED REFERENCE FAILS TO TEACH OR SUGGEST THE CLAIMED

INVENTION

Anticipation, under 35 U.S.C. §102, requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference. Although anticipation requires only that the claim under attack "read on" something disclosed in the reference, all limitations of the claim must be found in the reference, or "fully met" by it. See Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983).

Inherency requires certainty, not speculation. In re Rijckaert, 9 F.3rd 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); In re King, 801 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986); W. L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983); In re Oelrich, 666 F.2d 578, 212 USPQ 323 (CCPA 1981); In re Wilding, 535 F.2d 631, 190 USPQ 59 (CCPA 1976). Objective evidence must be relied upon to defeat the patentability of the claimed invention. Ex parte Natale, 11 USPQ2d 1222 (BPAI 1988).

In rejecting claims under 35 U.S.C. 103(a), it is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness. Stratoflex, Inc. v. Aeroquip Corp., 218 USPQ 871 (Fed. Cir. 1983); In re Warner, 154 USPQ 173 (CCPA 1967). It also is incumbent upon the Examiner to provide a basis in fact and/or cogent technical reasoning to support the conclusion that one having ordinary skill in the art would have been motivated to combine references to arrive at a claimed invention. Uniroyal, Inc. v. Rudkin-Wiley Corp., 5 USPQ2d 1434 (Fed. Cir. 1988). In so doing, the Examiner is required to make the factual determinations set forth in Graham v. John Deere Co. of Kansas City, 148 USPQ 459 (1966), and to provide a

reason why one having ordinary skill in the art would have been led to modify the prior art reference to arrive at the claimed invention. Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 227 USPQ 657 (Fed. Cir. 1985).

Such a reason must stem from some teaching, suggestion or inference in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. Uniroyal, Inc. v. Rudkin-Wiley, 5 USPQ2d 1434 (Fed. Cir. 1988); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 227 USPQ 657 (Fed. Cir. 1985); ACS Hospital Systems, Inc. v. Montefiore Hospital, 221 USPQ 929 (Fed. Cir. 1984); In re Sernaker, 217 USPQ 1 (Fed. Cir. 1983). Inherency requires certainty, not speculation. In re Rijckaert, 28 USPQ2d 1955 (Fed. Cir. 1993); In re King, 231 USPQ 136 (Fed. Cir. 1986); W. L. Gore & Associates, Inc. v. Garlock, Inc., 220 USPQ 303 (Fed. Cir. 1983); In re Oelrich, 212 USPQ 323 (CCPA 1981); In re Wilding, 190 USPQ 59 (CCPA 1976).

Objective evidence must be relied upon to defeat the patentability of the claimed invention. Ex parte Natale, 11 USPQ2d 1222 (BPAI 1988).

In determining obviousness, the inquiry is not whether each element existed in the prior art, but whether the prior art made obvious the invention as a whole for which patentability is claimed. Hartness Int'l, Inc. v. Simplimatic Eng'g Co., 2 USPQ2d 1826 (Fed. Cir. 1987). It is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. In re Wesslau, 147 USPQ 391 (CCPA 1951). Piecemeal reconstruction of prior art patents is improper, In re Kamm, 172 USPQ 298 (CCPA 1972). The Examiner must give adequate consideration to the particular problems and solution addressed by the

claimed invention. Northern Telecom, Inc. v. Datapoint Corp., 15 USPQ2d 1321 (Fed. Cir. 1990); In re Rothermel, 125 USPQ 328 (CCPA 1960).

The fact that the prior art could be modified so as to result in the combination defined by the claims does not make the modification obvious unless the prior art suggests the desirability of the modification. In re Deminski, 230 USPQ 313 (Fed. Cir. 1986). The test is what the combined teachings would have suggested to those of ordinary skill in the art. In re Keller, 208 USPQ 817 (CCPA 1981). Simplicity and hindsight are not proper criteria for resolving obviousness, In re Warner, supra. Furthermore, as the Federal Circuit recently reiterated, reliance on common knowledge and/or common sense also cannot be the basis of finding obviousness (See In re Lee, 61 USPQ 2d 1430 (Fed. Circ. 2002)). The deficiencies in the applied art cannot be remedied by general conclusions which, in view of the disclosure in the present application, may appear to be common sensible.

The proper approach to the issue of obviousness is whether the hypothetical person of ordinary skill in the art, familiar with the references, would have found it obvious to make a structure corresponding to what is claimed. In re Keller, 208 USPQ 871 (CCPA 1981); In re Sernaker, 217 USPQ 1 (Fed. Cir. 1983). Hindsight obviousness after the invention has been made is not the test. In re Carroll, 202 USPQ 571 (CCPA 1979). The reference, viewed by itself and not in retrospect, must suggest doing what applicant has done. In re Shaffer, 108 USPQ 326 (CCPA 1956); In re Skoll, 187 USPQ 481 (CCPA 1975).

Again, the issue is not whether it is within the skill of the artisan to make the proposed modification but, rather, whether a person of ordinary skill in the art, upon

consideration of the references, would have found it obvious to do so. The fact that the prior art could be modified so as to result in the combination defined by the claims would not have made the modification obvious unless the prior art suggests the desirability of the modification. See In re Gordon, 221 USPQ 1125 (Fed. Cir. 1984), In re Deminski, 230 USPQ 313 (Fed. Cir. 1986), In re Keller, supra, and In re Laskowski, 10 USPQ2d 1397 (CAFC 1989).

As discussed above in detail, the applied prior art fails to teach or suggest the limitations of any of the independent claims, whether alone or when combined with Official Notice. In particular, Kitchen does not teach or suggest an electronic bill payment network in which a user network station transmits, in real time, information relevant to an amount of an available bill and an instruction to pay the available bill, a biller network station receives, in real time, the transmitted relevant information and determines the amount of the available bill based upon the received relevant information, and a central network station receives the determined amount and the transmitted pay instruction in real time, as required by independent claim 1. Kitchen also does not teach or suggest a method of payment electronic bills in which information relevant to an amount of an available bill is transmitted from a first network location in real time, a determination is made in real time of the amount of the available bill based upon the transmitted information at a second network location, a pay instruction to pay the determined amount is transmitted in real time from the first network location, and the determined amount and the transmitted pay instruction and received in real time at a third network location, as required by independent claim 10.

Likewise, Kitchen does not teach or suggest an electronic bill payment system in which a database stores bill availability information and a processor receives in real time an amount of an available bill identified in the database and an instruction to pay the bill, and stores the received amount in the database, as required by independent claim 16. Also, Kitchen does not teach or suggest an article of manufacture for paying bills electronically in which computer programming causes a processor to, all in real time, transmit bill availability information, receive, subsequent to the transmission, the amount of the available bill, and receive an instruction to pay the available bill, as required by claim 20. Similarly, Kitchen does not teach or suggest a method of instructing payment of electronic bills in a single on-line user session in which information relevant to an amount of an available bill is transmitted from a user station to a biller station, a determination of the amount of the available bill based upon the transmitted relevant information is made at the second biller station, the determined amount is transmitted from the biller station, an instruction to pay the determined amount is transmitted from the user station after the transmission of the determined amount, the transmitted instruction is received at a payment service provider station, bill availability information is transmitted from the payment service provider station to the user station, and the relevant information is transmitted from the user station responsive to receipt of the transmitted bill availability information, as required by independent claim 26.

As will be understood from the discussion above, Kitchen merely discloses transmission of billing information from a biller to a central station, storage of that received information at the central station, the central station notifying a payor of bill
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availability, the payor requesting the available bill, presentation of the available bill in response to the payor request, and transmission of a payor request to the central station to pay the bill. In Kitchen, the presentation could be by the central station, or by the biller.

Also, as will be understood from the discussion above, Kitchen fails to teach or suggest the requirements of various ones of the dependent claims.

In view of the above, it is respectfully submitted that Kitchen fails to teach or suggest the invention as recited in the pending claims, and that a combination of Kitchen with Official Notice or Elgamal fails to teach or suggest the invention as recited in the pending claims.

3. THE EXAMINER HAS NOT REASONABLY CONSIDERED WHAT IS DISCLOSED
BY THE APPLIED REFERENCE, HAS IGNORED CLAIM LIMITATIONS AND HAS
REJECTED THE CLAIMS BASED ON AN IMPROPER HINDSIGHT
RECONSTRUCTION OF THE CLAIMED INVENTION

In rejecting claims, it is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness. Stratoflex, Inc. v. Aeroquip Corp., 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); In re Warner, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967). The Examiner is required to make the factual determinations (see e.g. Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 148 USPQ 459 (1966)), and to provide a reason for the rejection (see e.g. Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 227 USPQ 657 (Fed. Cir. 1985)). Such a reason must stem from some teaching or inference in the prior art as a whole or knowledge

generally available to one having ordinary skill in the art. Uniroyal, Inc. v. Rudkin-Wiley, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 227 USPQ 657 (Fed. Cir. 1985); ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 221 USPQ 929 (Fed. Cir. 1984); In re Sernaker, 702 F.2d 989, 217 USPQ 1 (Fed. Cir. 1983). Inherency requires certainty, not speculation. In re Rijckaert, 9 F.3rd 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); In re King, 801 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986); W. L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983); In re Oelrich, 666 F.2d 578, 212 USPQ 323 (CCPA 1981); In re Wilding, 535 F.2d 631, 190 USPQ 59 (CCPA 1976). Objective evidence must be relied upon to defeat the patentability of the claimed invention. Ex parte Natale, 11 USPQ2d 1222 (BPAI 1988).

It is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. In re Wesslau, 353 F.2d 238, 147 USPQ 391 (CCPA 1951). Piecemeal reconstruction of prior art patents is improper, In re Kamm, 452 F.2d 1052, 172 USPQ 298 (CCPA 1972). The Examiner must give adequate consideration to the particular problems and solution addressed by the claimed invention. Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 15 USPQ2d 1321 (Fed. Cir. 1990); In re Rothermel, 276 F.2d 393, 125 USPQ 328 (CCPA 1960).

Simplicity and hindsight are not proper criteria for resolving obviousness, In re Warner, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967). Hindsight after the invention has been made is not the test. In re Carroll, 601 F2d 1184, 202 USPQ 571 (CCPA 1979).

The reference, viewed by itself and not in retrospect, must disclose doing what applicant has done. In re Shaffer, 229 F2d 476, 108 USPQ 326 (CCPA 1956); In re Skoll, 523 F2d 1392, 187 USPQ 481 (CCPA 1975).

As discussed above, it is respectfully submitted that the Examiner has rejected the claims without consideration of recited features, without reasonably considering what is taught and suggested by the applied reference, without properly construing the claims, and at best based on an improper hindsight reconstruction of the claimed invention.

CONCLUSION

It is respectfully submitted that the Examiner (i) has failed to establish a prima facie case for the rejections, (ii) failed to reasonably construe that which is taught and suggested by the applied prior art, (iii) has failed to apply art which teaches or suggests the claimed invention, (iv) applied art in a manner inconsistent with its teachings, and (v) failed to consider certain express claim limitations.

Thus, it is respectfully submitted that the rejection of the pending claims over the applied prior art is improper.

In summary, Applicants respectfully submit that the applied references do not teach or suggest features recited in each of the independent claims, as well as features recited in the dependent claims, and the Examiner has failed to provide reasonable evidence to support a contrary conclusion. Accordingly, it is submitted that the art does not provide any teaching, or suggestion, within its teachings, which would lead to the features or advantages of the instant invention, and the claims

patentably define over the art.

The rejection of the ending claims is in error, and reversal is clearly in order and is courteously solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 01-2135 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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APPENDIX OF CLAIMS UNDER APPEAL

1. An electronic bill payment network, comprising:

a plurality of user network stations associated with a plurality of different users, a first of the plurality of user network stations being associated with a first of the plurality of different users and operable to transmit, in real time, information relevant to an amount of an available bill and an instruction to pay the available bill;

a plurality of biller network stations associated with a plurality of different billers, a first of the plurality of biller network stations being associated with a first of the plurality of different billers and operable, in real time, to receive the transmitted relevant information and to determine the amount of the available bill based upon the received relevant information; and

a central network station operable to receive the determined amount of the available bill and the transmitted pay instruction, in real time, and to direct payment of the determined amount of the available bill based upon the received pay instruction.

2. A network according to claim 1, wherein:

the central network station is further operable to transmit bill availability information identifying at least two available bills for the first user; and
the first user network station is further operable to receive the transmitted bill availability information, to select the available bill from the identified at least two

available bills, and to transmit a request for the available bill based upon the selection prior to transmitting the relevant information.

3. A network according to claim 2, wherein the bill availability information identifies the available bill without identifying the amount of the available bill.
4. A network according to claim 2, further comprising:
a database configured to store the bill availability information so as to further identify those of the identified available bills which require information relevant to the amount of those identified available bills.
5. A network according to claim 4, wherein the database is further configured to store the determined amount.
6. A network according to claim 1, wherein the transmitted relevant information is indicative of a quantity of product used.
7. A network according to claim 6, wherein the transmitted relevant information is a meter reading.
8. A network according to claim 1, wherein the transmitted relevant information is indicative of a disputed portion of a previously determined amount of the available bill.

9. A network according to claim 1, wherein:

the first biller network station is further operable, in real time, to transmit the available bill including a previously determined amount, and the determined amount of the available bill represents an adjustment to the previously determined amount.

10. A method of paying electronic bills, comprising the steps of:

transmitting, in real time, information relevant to an amount of an available bill, from a first network location;

determining, in real time, the amount of the available bill based upon the transmitted information, at a second network location;

receiving, in real time, the determined amount, at the first network location;

transmitting, in real time, an instruction to pay the determined amount, from the first network location;

receiving, in real time, the determined amount and the transmitted pay instruction, at a third network location; and

directing payment of the determined amount of the available bill based upon the received pay instruction, from the third network location.

11. A method according to claim 10, further comprising the steps of:

transmitting, in real time, bill availability information identifying a plurality of available bills of a plurality of different billers, from the third network location;

selecting, in real time, the available bill from the identified plurality of available

bills;

transmitting, in real time, a request for the available bill based upon the selection; and

transmitting, in real time, a request for the relevant information responsive to the transmitted request for the available bill;

wherein the relevant information includes a quantity of product used and is transmitted responsive to the transmitted request for relevant information.

12. A method according to claim 11, wherein the quantity of product used is represented by a meter reading.

13. A method according to claim 10, further comprising the steps of:

transmitting, in real time, bill availability information identifying the available bill, from the third network location;

transmitting, in real time, a request for the identified available bill; and

transmitting, in real time, the available bill, including a previously determined amount of the available bill, responsive to the transmitted request for the available bill, from the second location;

wherein the relevant information includes a requested modification to the previously determined amount.

14. A method according to claim 10, further comprising the steps of:

storing, in a database, bill availability information identifying the available bill;

transmitting the stored bill availability information, from the third network location;

receiving the transmitted bill availability information at the first location;

wherein the available bill is identified in the received transmitted bill availability information as requiring information relevant to the bill amount.

15. A method according to claim 14, further comprising the step of:

storing the received amount in the database.

16. A electronic bill payment system, comprising:

a database configured to store bill availability information identifying available bills of a plurality of different billers for a plurality of different users;

a processor configured (i) to receive a real time network communication of an amount of one of the available bills identified in the stored bill availability information for a first of a plurality of different users from a first of the plurality of different billers and a real time network communication of an instruction to pay the one available bill from the first user, (ii) to generate a directive to pay the amount of the one available bill based upon the received communicated pay instruction, and (iii) to store the received communicated amount in the database in association with the bill availability information identifying the one available bill.

17. A system according to claim 16, wherein:

the processor is further configured to transmit the stored bill availability

information identifying the one available bill for the first user, prior to receiving the real time network communication of the amount and of the instruction to pay.

18. A system according to claim 16, wherein:

the database is further configured to store the bill availability information so as to further identify those of the identified available bills which require information relevant to the amount of those bills; and
the one available bill is one of those of the plurality of available bills further identified as requiring relevant information.

19. A system according to claim 16, wherein:

the database is further configured to store a previously received communicated amount of the available bill and the received amount of the one available bill.

20. An article of manufacture for paying bills electronically, comprising:

a computer readable storage medium; and
computer programming stored on the medium and configured to be readable from the medium by a computer processor and thereby cause the processor to operate in real time so as to:

transmit, to a first of a plurality of different users, bill availability information identifying an available bill of a first of a plurality of different billers for the first user;

receive, subsequent to the transmission, a communication of an amount of

the available bill of the first biller for the first user determined by the first biller;

receive a communication of an instruction of the first user to pay the available bill; and

generate a directive to pay the received communicated amount of the available bill based upon the received communicated pay instruction.

21. An article of manufacture according to claim 20, wherein the computer programming is further configured to cause the processor to operate so as to:

to store the received communicated amount in a database.

22. An article of manufacture according to claim 21, wherein the amount is stored in the database so as to replace a previously determined amount of the available bill previously stored in the database.

23. An article of manufacture according to claim 20, wherein the computer programming is further configured to cause the processor to operate in real time so as to:

receive a communication requesting bills of the first user, with the bill availability information being transmitted responsive to the received communication requesting bills.

24. An article of manufacture according to claim 20, wherein the transmitted bill availability information includes an indication that the available bill requires

information relevant to the amount of the available bill.

25. An article of manufacture according to claim 20, wherein the received communicated amount of the available bill represents an adjustment to a previously received amount of the available bill.

26. A method of instructing payment of electronic bills in a single on-line user session, comprising the steps of:

transmitting, from a user station to a biller station, information relevant to an amount of an available bill;

determining, at a biller station, the amount of the available bill based upon the transmitted relevant information;

transmitting, from the biller station to the user station, the determined amount;

transmitting, from the user station after transmission of the determined amount from the biller station, an instruction to pay the determined amount;

receiving, at a payment service provider station, the transmitted instruction to pay the determined amount; and

transmitting, from the payment service provider station to the user station, bill availability information identifying the available bill;

wherein the information relevant to the amount of the available bill is transmitted from the user station responsive receipt of the transmitted bill availability information identifying the available bill.

28: A method according to claim 26, further comprising:

storing information indicative of the available bill, wherein the transmitted bill availability information is generated based on the stored information; and
storing the determined amount in association with the previously stored information indicative of the available bill based on the received payment instruction.